

Request for Reconsideration
Serial No. 10/540,935
Attorney Docket No. 052497

REMARKS

Claims 2-11 are pending in the present application and are rejected. Claims 6 and 11 are herein cancelled without prejudice.

Information Disclosure Statement

Upon review of the file, Applicant notes that in the Office Action dated February 24, 2006, the Examiner crossed out references JP62-20915 (JP '915) and JP 63-159351 (JP '351) on the IDS forms because no translation was provided. Applicant respectfully submits that such crossing-out was improper, and Applicant respectfully requests that the Examiner provide copies of these forms with both JP '915 and JP '351 being initialed as considered. These references were cited in the International Preliminary Examination Report submitted on November 8, 2005 along with a translation of the report. No translation was readily available, since the references are relatively old. According to MPEP §609:

Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office.

Therefore, Applicant respectfully submits that these references should be considered by the Examiner, and should be initialed to indicate such consideration.

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Applicant's Response to Claim Rejections under 35 U.S.C. §112

Claims 6 and 11 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

The Office Action states that claims 6 and 11 refer to a device that is designed to move horizontally to store the first article, but states that such a mechanism/structure is not described in any way in the specification. In response to the rejection, Applicant herein cancels without prejudice claims 6 and 11. Thus, the rejection is moot.

Applicant's Response to Claim Rejections under 35 U.S.C. §102

Claims 2, 3, 7 and 8 were rejected under 35 U.S.C. §102 as being anticipated by Starling (U.S. Patent No. 3,480,296¹).

It is the position of the Office Action that Starling discloses the invention as claimed. Starling is directed at a trailer hitch 10 which may be hidden in a bumper 11. The trailer hitch includes retractable drawbar 30 which is "formed of a heavy gauge steel channular member which, as best shown in FIGS. 4 and 6, is U-shaped in cross-section." Column 2, lines 36-38. The retractable drawbar 30 is disposed within a recess 22 of the bumper 11, which is formed with an arcuate wall 20. In order to attach the retractable drawbar 30 to the bumper 11, a pivot bolt 51 is passed through corresponding bores in the bumper 11. The retractable drawbar 30 may then rotate to hide or show the drawbar. In order to fix the drawbar in either an open or closed

¹ Applicant notes that the Office Action erroneously lists Starling as U.S. Patent No. 3,480,293. It is presumed that the Office Action intends to refer to U.S. Patent No. 3,480,296.

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position, a locking pin 55 is inserted in bore 49 on the end 47 of the drawbar 30, and passed through the corresponding bores in the bumper 11.

The Office Action broadly interprets the trailer hitch as being an article which is configured to protect an exterior portion of the automobile body, even though this is limited to a small portion of the bumper. The Office Action interprets the retractable drawbar 30 to be a first article, and the arcuate wall 20 of the bumper 11 to be a second article. The Examiner further states that arcuate wall 20 surrounds pivot bolt 51, regarded as an axis of rotation.

In response, Applicant respectfully notes that independent claims 2 and 7 recite that “said first article and said second article are attached to form *a rotatable body, which rotates about said axis of rotation.*” In other words, a rotatable body is comprised of the first and second articles, and this rotatable body rotates about the axis of rotation. As illustrated in the Figures, article 1 and article 2 form a rotatable body, which rotates about rotary shaft 3.

On the other hand, in Starling, it is only the retractable drawbar 30 which rotates. Arcuate wall 20 is a fixed element of bumper 11, and does not rotate about an axis. In other words, retractable drawbar 30 and arcuate wall 20 of bumper 11 are not “attached to form a rotatable body, which rotates about said axis of rotation.” It is only retractable drawbar 30 which rotates about pivot pin 51, while arcuate wall 20 remains immobile. Thus, Applicants respectfully submit that Starling does not disclose or suggest a “second article” as claimed. Therefore, Applicant respectfully traverses the rejection. Favorable reconsideration is respectfully requested.

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Applicant's Response to Claim Rejections under 35 U.S.C. §103

Claims 4, 5, 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Starling.

It is the position of the Office Action that Starling discloses the invention as claimed, with the exception of a switch, either remote or inside the vehicle, which is operative to activate electric power to rotate the rotating body between the first and second position. The Office Action relies on Official Notice to provide this teaching. The Office Action notes that the taking of Official Notice is taken as admitted prior art since it was not challenged in the response to the previous Office Action.

In response, Applicant respectfully submits that while remote switches, switches inside vehicles, and electric motors for rotating objects are known in the art, it would not have been obvious to modify Starling by providing for these features. In particular, Starling discloses that operation of the trailer hitch requires that a locking pin 55 be *physically removed*, then the retractable drawbar 30 must be rotated, and finally the locking pin 55 be *physically reinserted*. See column 3, lines 32-47.

Applicant respectfully submits that it would not have been obvious to modify Starling by including a remote or interior switch and electric motors. Starling discloses the manual removal and insertion of a locking pin, and the physical rotation of the retractable drawbar 30. Based on the disclosed design of Starling, it would not have been possible to provide for removal and insertion of the locking pins using an electric motor and a switch without a substantial redesign of the hitch of Starling. There is no suggestion or motivation in the art for such a modification.

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Therefore, Applicant respectfully traverses the rejection. Favorable reconsideration is respectfully requested.

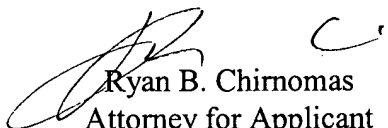
For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicant would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicant's undersigned agent.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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